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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 November 1991, at 3 p.m.

Chairman: Mr. ALSTON

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The meeting was called to order at 3.05 p.m.

SOLEMN DECLARATION UNDER RULE 13 OF THE RULES OF PROCEDURE OF THE COMMITTEE

1. Mr. MARCHAN ROMERO made the solemn declaration instituted under rule 13 of the Committee's rules of procedure.

CONSIDERATION OF REPORTS (agenda item 7)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Afghanistan (E/1990/5/Add.8 and E/1984/6/Add.12; E/C.12/WG/1991/CRP.1) (continued)

2. At the invitation of the Chairman, Mr. Wahidi (Afghanistan) took a place at the Committee table.

3. Mr. WAHIDI (Afghanistan) expressed regret at having been prevented from attending the meeting on the previous day, due to circumstances entirely beyond his control.

4. The Permanent Representative of Afghanistant had presented his country's reports (E/1990/5/Add.8 and E/1984/6/Add.12) at the Committee's second meeting. He himself proposed, at the present meeting, to deal with the issues raised in connection with those reports by the pre-sessional working group.

5. By way of introduction, however, he wished to give the Committee some background information on Afghanistan and its people. The Afghans were a brave and intelligent people who had earned a reputation as the best fighting men in Asia; they were hospitable and self-reliant, with a strong sense of nationality and pride in their country. A love of independence was one of the most important characteristics of the Afghan people, who were always prepared to bear patiently with poverty or hardship, but could never reconcile themselves to submit to foreign rule, however enlightened or progressive it might be. The tribes of Afghanistan were always ready to flock together in defence of their country and their common faith. That willingness had been the chief factor behind Afghanistan's victories in all its wars.

6. The caste system did not exist in Afghan society and every Afghan regarded himself as equal to his neighbour. The ground was thus more suited for the growth of democracy than elsewhere in the East.

7. Afghanistan constituted a community with a five-thousand-year-old tradition and was accordingly proud of its history and cultural heritage. There were no authoritative records concerning the inhabitants of Afghanistan prior to the arrival of the races and tribes which made up today's population of 15 million. The Afghans proper were the Pushtu and they constituted the great majority of the population. Next came the Tajiks who were also of Aryan origin. The remainder were Mongol peoples including Kazaks, Uzbeks, and Turkomen. Lastly, there were small minority groups, including Nuristanis of pure Aryan stock, Arabs, Baluchis, Hindus, Sikhs and Jews.

8. As far as languages were concerned, in addition to Pushtu, a large number of dialects was spoken in different parts of the country. Afghan society was very heterogeneous both from the point of view of geography and from that of culture.

9. The family was the basis of society in Afghanistan and great respect was shown to elders. The extended family system prevailed; in the traditional household, married sons lived under parental authority, with the patriarch in control of the finances of the whole group. The matriarch was the autocrat of the home, to whom daughters-in-law and grandchildren owed obedience. That system had its advantages and its drawbacks; it had, however, the advantage of providing economic security to all family members. An Afghan always had a home, even in old age and was never totally destitute. There was community of property in the extended family: all members of the family were required to hand over their income to the head of the family, with the earnings going into a common pool or fund. Each member was entitled to receive food and clothing and such pocket-money as the head of the family decided. Expenses for such purposes as health, education and marriage were met from the common fund.

10. Afghan tradition treated marriage as a sacrament for life; divorce and remarriage were permitted by law, but were not widely practised. Wives were faithful to their husbands in both prosperity and adversity. The wife was the mistress of the household and wielded a great influence over her husband and children. The usual age for marriage was 22 to 25 years old for men and 18 to 22 for women. The divorce rate was the lowest in the world.

11. With regard to the status of women, he stressed that under Islamic law women had the right to own, acquire and inherit property of their own. The equality of the sexes was also enshrined in article 38 of the Afghan Constitution which stated that men and women had equal rights and duties in the eyes of the law, irrespective of their national, racial, linguistic, tribal, educational or social status, religious belief, political conviction, occupation, kinship, wealth and residence. He pointed out that there were two women cabinet ministers and several women deputies, and that most of the judges in the family courts and childrens' courts were women. There were also women prosecutors and police officers.

12. In a somewhat broader context, the Constitution further prohibited the granting of any illegal privilege and forbade any discrimination against citizens in the enjoyment of their rights and the fulfilment of their duties.

13. No less than 99.5 per cent of the population was Muslim; 80 per cent was Sunni and 18 per cent Shiite, while the remaining 2 per cent belonged to the Ismaili and other Islamic factions.

14. Religious mullahs were engaged in educating the people and in setting up centres where people could learn to read and write. Great importance was attached to religion and ethics in that type of education.

15. Turning to the question of the separation of powers, he stressed the independence of the Judiciary as an important organ of the State. Judgements could be delivered only by a court and solely under the provisions

of the law. The judicial system consisted of a Supreme Court, provincial courts, divisional courts, district courts, city courts, sub-district courts, precinct courts and military courts. The State could set up special courts within the unified judicial system.

16. The Supreme Court was the highest judicial organ of the State and consisted of a Chief Justice, Deputy Chief Justices and judges. It was entrusted with the task of supervising the lower courts and ensuring the uniform application of the law. The Chief Justice and other members of the Supreme Court were appointed by the President of the Republic, to whom they were answerable and to whom they reported.

17. In their judgements, the courts were subject only to the law; trial and verdict were based on the principle of the equality of the parties before the law. Trials were held in public. There were special commercial courts dealing with commercial disputes so that economic rights were protected. Public security courts dealt with cases of embezzlement, economic offences and sabotage. There were also special courts to deal with intellectual property, such as copyright for printed works.

18. He drew attention to an ancient and very useful institution known as the Jirgah or tribal assembly, traditionally called upon to maintain order and justice in the event of failure of the central Government.

19. The legislation of Afghanistan guaranteed the rights and freedoms of foreign citizens as well as of stateless residents. Aliens were, however, required to abide by the Constitution and laws of the country. Those principles also applied to aliens employed under contract by Afghan authorities and holding work permits.

20. Turning to the question of the right to work and non-discrimination in the matter of employment, he stressed that in Afghanistan work was both a right and duty towards the State. With special reference to the ILO Conventions in the matter (E/C.12/WG/1991/CRP.1, para. 11), he explained that article 8 of the Labour Code of Afghanistan stipulated as follows: "The equal right to work for citizens is guaranteed without any kind of discrimination as to race, colour, sex, language, religion, or political or other opinion". Article 9 of the same Labour Code laid down the principle of equality with regard to employment; women had the same status as men in that respect and the rule of equal pay for equal work was established.

21. It should be noted that international treaties signed by Afghanistan prevailed over domestic law; the provisions of international labour law were therefore applied in Afghanistan to the fullest possible extent.

22. With regard to the system for fixing salaries and wages, the Labour Code specified that wages and salaries must be paid according to the quantity and quality of the work performed, taking into account degree, rank, post, profession and other factors. Article 76 of the Labour Code specified that the salaries and wages paid must never be less than the minimum amounts specified by law. Pension and other benefits were provided for in labour legislation.

23. Safety at work was a matter of concern but the shortage of safety equipment and laboratories as well as trained personnel, constituted a drawback. Every effort was being made to keep industrial accidents at the lowest possible level.

24. The Constitution guaranteed the freedom for workers and employees to form trade unions and such unions had been formed by workers in such sectors as trade and transport, mines, the building trade, industry, public health and public services. Afghan trade unions had the right to affiliate with international and regional federations and had so far established relations with 15 international organizations - including the World Federation of Trade Unions (WFTU) - and 165 national and regional organizations.

25. Finding jobs for the unemployed was a major concern of the Ministry of Labour and Social Affairs, which now had a staff of about 22,000. Repatriates and unemployed persons - 6,403 in the months March to May 1990 alone - had been recruited to various ministries and departments. Unemployment was not as acute a problem as in other countries. According to extrapolations from the 1979 census, there were about 206,000 job-seekers out of a workforce of 6.1 million in 1990.

26. Women were entitled to 90 days' maternity leave with wages and other labour rights. The employment of women in physically heavy and unhealthy labour and the assignment of pregnant women and mothers with children of up to one year to overtime was not permissible. Nursing mothers were given additional rest time amounting to not less than 30 minutes after each three-hourly feed. Adolescents under the age of 18 also enjoyed certain work privileges, including no heavy, unhealthy or underground labour, no night-shifts and the same wages as adults for equivalent work according to grade. It should be mentioned that Afghan tradition and culture required the older children in the family to look after their elderly parents.

27. The Ministry of Labour and Social Affairs, founded in 1990, had taken additional measures to guarantee adequate working conditions for women and young people. The Afghan Women's Association had recently resumed its work under the authority of the Ministry and, together with other recently established bodies, was working towards the improvement of the economic status of women, especially war widows. Special projects had been designed, for which it was hoped that financial aid would be forthcoming from United Nations organizations and bodies. There were now 241 kindergartens and nurseries in residential areas, attended by 16,810 children. Two thousand two hundred war orphans were accommodated in a special centre set up by the Government.

28. Citizens had the right of assembly and peaceful demonstration and the right to strike in accordance with the provisions of the law. The relevant law covered the right of assembly in public and private places for legal and peaceful aims, including the right to use literature and slogans, and the right to demonstrate and strike peacefully for political, economic, social and cultural purposes, and specified the obligations of the police and the relevant penal provisions.

29. The State was under the obligation to endeavour to achieve the greatest welfare of all citizens by organizing and promoting production and distributing wealth appropriately. It did so, inter alia, by fixing a minimum wage covering the basic needs of the family and also by providing technical and cultural education.

30. Furthermore, social security measures included the distribution of staple items free of charge through a coupon system and the provision of State subsidies and fuel to all State employees. The Administration was required to provide meals, foodstuffs, coupons and consumer goods or their cash equivalent to all employees.

31. The vital role of the family as the basic unit of society was recognized by the State, which ensured the necessary opportunities for the education, employment, recreation, rest and spiritual and physical development of all family members. The State had taken the necessary measures to ensure and protect health, especially that of mothers and children. Vaccination against the six fatal childhood diseases was continuing, with a coverage of 85 per cent. Measures to ensure the healthy growth of children included day-care facilities in the workplace, the distribution of food to children and periodic medical check-ups. Large-scale health information and clean environment campaigns were conducted regularly. Medical services were provided free of charge for all people without any discrimination. The Ministry of Health's two major health programmes - the prophylactic and curative programmes - involved villages and cities alike, but the present situation prevented medical assistance and equipment from reaching some areas, where the mortality rate might be high.

32. In connection with articles 13 and 14 of the Covenant, the Government planned to achieve literacy for all school-age children and compulsory primary education by the year 2000. The present annual primary school enrolment rate was 40 per cent, but 15 per cent of pupils dropped out before completing their basic education. There were noticeable differences between city and rural schools and between boys' and girls' schools. Despite the enrolment of older children and adults in basic education, 65 per cent of Afghan people were still deprived of education.

33. All educational institutions were planned and guided by the State, which designed educational policy in accordance with the needs and aspirations of the people. Educational policy included ensuring the healthy training of children and young people in the light of the principles of Islam, the people's approved traditions and national reconciliation, granting equal educational rights to all citizens without distinction as to nationality, race, sex, religion and social and economic status, and providing free education as designed by the State.

34. Higher education was provided free of charge and students received accommodation and pocket-money. Higher education was of four to six and a half years' duration, taking students up to the B.A. and M.A. levels. There were 5 higher educational establishments in Kabul and 4 in the provinces, and a broad network of teacher and medical training institutes with an enrolment of over 15,000. There were 9,000 pupils in 9 technical schools, 9 vocational high schools and 25 vocational and technical schools. Admission to higher

educational establishments was through a general entrance examination open to all without discrimination. The basic problem was the lack of funds for higher education, and the international organizations, which had provided minimal assistance in the past 10 years, could provide vitally needed help for the improvement of research laboratories and reconstruction of institutions destroyed in the war, the provision of teaching aids and textbooks, the fostering of exchanges among establishments within the country and between them and similar institutions abroad, and in the field of scholarships, training courses and research.

35. With regard to educational structure and the curriculum, the subjects taught were laid down in accordance with acceptable international norms and the needs of Afghan society.

36. Afghanistan's educational needs in general had been exacerbated by the damage inflicted by the war. Two thousand one hundred schools and their equipment had been destroyed, over 2,000 schoolteachers had been killed, over 15,000 had abandoned their jobs and over 70 per cent of school-going children and young people were denied literacy and education. The return of refugees made the situation even more acute.

37. With regard to article 15 of the Covenant, all citizens had the right to take part in cultural life. Every author, inventor and producer enjoyed exclusive ownership of his work in accordance with the relevant statutory provisions. Cultural objectives included the protection of natural beauty and the conservation and development of the nation's historical and artistic heritage. The State provided financial assistance for research in accordance with the relevant regulations, and distinctions were conferred upon those who had carried out meritorious work in the field of cultural creativity and research. Article 14 of the Constitution required the State to adopt the necessary measures for the development of culture, language and literature and to preserve the cultural legacy of all nationalities, clans and tribes. Scientific, technical and artistic activities were also encouraged and protected under the Constitution. Every effort was made to foster scientific research and training and to promote scientific and technological progress, including the modernization of scientific and cultural institutions, for the benefit of all citizens.

38. The right of publication was guaranteed in accordance with the relevant rules. Authors received financial and moral support from the State, provided their works were not contrary to the laws and interests of the country. Literary and artistic works were registered in the names of the authors themselves, who had the right to publish and sell their work; artists were permitted to display their works both inside and outside the country. Distinctions and awards were conferred upon leading literary figures and scholars, who also received financial support from the Government.

39. Afghanistan was experiencing many problems in the cultural sphere. The war had inevitably diverted many resources from culture to defence. There was an urgent need for resources to safeguard the country's cultural heritage and preserve its historical monuments. One particular problem

concerned illegal excavations by foreigners in Bamyan and Nangahar Provinces. He appealed for aid from the international organizations, particularly UNESCO, in that regard.

40. Special problems also existed in the area of the media. Radio and television equipment and printing facilities had become obsolete, and publication of books was a costly exercise. Afghanistan urgently needed experts from UNESCO and other international organizations to assist it in the training of vocational and professional cadres. A backward country like Afghanistan could not solve all its cultural and scientific problems without multilateral financial and technical assistance from international organizations. Unfortunately, over the war years, international aid had been restricted, and even reduced to nil in some areas. The Government was doing its best to encourage international organizations to resume their assistance to his war-torn country.

41. It was hoped that the international community would contribute to a political settlement in Afghanistan. International cooperation through educational, health, cultural, medical, economic, scientific and industrial projects was extremely important to Afghanistan, which genuinely endeavoured to maintain good relations with all States and Governments on the basis of mutual respect and interest, and to live in peace and friendship with all nations. Afghanistan was at a most critical juncture in its history; the international community should recognize its moral responsibility in regard to the disastrous plight of that country.

42. Mr. SWEPSTON (International Labour Organisation) began by explaining to the Afghan delegation that it was the Committee's practice, in considering implementation of articles 6 to 10 of the Covenant, to request ILO to provide any information it had on implementation of any of the 75 or so ILO Conventions which had been ratified by the Government in question and which related to those articles. Afghanistan had ratified some 15 ILO Conventions, several of which related to articles 6 to 10. The ILO had submitted reports to the Committee in 1986 and 1990 on the situation regarding those Conventions. Many of the outstanding problems resulted from the country's internal situation. In 1991 the Committee of Experts of ILO had noted that the great majority of the reports received from the Government contained no information on the practical application of the ILO Conventions concerned, and had asked the Government to include such information in future.

43. Under article 6 of the Covenant, the Government of Afghanistan had ratified ILO Convention No. 105 on Abolition of Forced Labour. The 1986 ILO report to the Committee had noted that prison sentences involving compulsory labour were not permissible in all circumstances, and notably in cases with a political dimension. Those comments had been renewed by the Committee of Experts in 1991; it had asked the Government for further information, noting the report by the Special Rapporteur (E/CN.4/1991/31), and also the existence of a number of political prisoners.

44. The ILO had provided information in its 1990 report regarding Convention No. 111, on Discrimination in Employment and Occupation. The question there was, whether access to employment was guaranteed without discrimination on the basis of political opinion.

45. Turning to article 7 of the Covenant, he said that Convention No. 100, on Equal Remuneration, had been discussed in the ILO's 1990 report to the Committee. The question here was, how the principle of equal remuneration to men and to women for work of equal value - as opposed to equal work - was ensured in practice.

46. Mr. BADAWI said that the extensive oral presentation by the Vice-Minister of Justice had made up somewhat for the terseness of the report itself. He wished to put four specific questions. First, referring to paragraph 7 of the report by Afghanistan contained in document E/1990/5/Add.8, he asked what was the relative size of the private and the public sectors. Secondly, referring to paragraph 8 of the same report, he asked whether any strikes had occurred recently in Afghanistan, and, if so, for what reasons. Thirdly, he noted that, according to paragraph 14 of the report, the Labour Code authorized citizens to present complaints to the commission on the settlement of disputes which was to be set up in every government body; and that if their complaints were not considered by that commission, they could then appeal to the court. He asked whether such commissions had in fact been established; and whether citizens had the right to present complaints either to the Commission or to the court, or if recourse to the Commission could be followed by recourse to the court if the claimant was not satisfied with the Commission's verdict. Lastly, turning to document E/1984/6/Add.12, he asked for information regarding the past and present rates of literacy in Afghanistan, and also regarding the relative literacy rates among women and men.

47. Mr. WIMER ZAMBRANO asked what was the situation of agriculture in Afghanistan, particularly in the light of allegations by the press that the guerrilla movements derived much of their finance from profits from drug production and trafficking. On the question of the political prospects in the short- and medium-term, he wished to know, first, what was the legal situation regarding the ex-King, who was evidently in contact with certain political groups; and secondly, whether it was true that the course taken by the war had led indirectly to greater Islamization of social groups.

48. Mr. ALVAREZ VITA, referring to the right to self-determination discussed in paragraph 5 of the report contained in document E/1990/5/Add.8, asked what view the Afghan Government took of the claim made by Mr. Ermacora, Special Rapporteur of the Commission on Human Rights, in document E/CN.4/1991/31, that the existence of more than 5 million refugees prevented the exercise of the right to self-determination, an essential prerequisite to the enjoyment of other rights.

49. On the question of education, the Vice-Minister of Justice had indicated in his oral presentation that the State directed all educational activities. If that were the case, it would appear that Afghanistan did not comply with the provisions of article 13 (3) of the Covenant, regarding the liberty of parents and legal guardians to choose for their children schools other than those established by the public authorities, and to ensure the religious and moral education of their children in conformity with their own convictions, particularly in view of the fact that not all Afghan citizens were adherents of Islam.

50. Mr. MUTERAHEJURU thanked the Vice-Minister for his oral replies to the written questions submitted by the pre-sessional working group, which compensated to some extent for the lack of written replies. He wished to preface his specific questions with one general question: was the Government in a position to ensure effective application of the law, as set forth in legislation and covenants, throughout the territory of Afghanistan?

51. With regard to article 6 of the Covenant, noting that the majority of the workforce was engaged in agriculture and animal husbandry, he asked whether such activities were based predominantly on an employer/employee relationship, or on the family unit. He asked for figures relating to the ratio of wage-earners to non-wage-earners within that sector, and also in comparison to wage-earners in other sectors of society.

52. With regard to article 10 of the Covenant, he asked whether equality of the sexes was guaranteed from birth. In particular, how was equality guaranteed where the right to property and its allocation were concerned? Did women enjoy the same rights of inheritance as their brothers? With regard to affiliation, did illegitimate children have the same rights as legitimate children? He also asked for more precise figures on the rate of divorce, and for information on the legal regime of divorce.

53. The Vice-Minister's statement had failed to provide the further information requested by the pre-sessional working group regarding article 13 of the Covenant. In particular, more information would be welcome regarding the rate of literacy in Afghanistan. Noting that primary education was free, he asked what was the size of public spending in the education sector in comparison with private-sector spending in the same sphere. He also wished to know the number of public-sector and private-sector schools, at least at secondary level. Finally, he asked for clarification of the reasons for the differences between rural and urban schools, and between girls' and boys' schools, to which the Vice-Minister had alluded. What steps were being taken to eliminate those differences?

54. Mr. KONATE said that Mr. Muterahejuru had raised a very pertinent question regarding the effectiveness of the law in Afghanistan. Given that peace negotiations had apparently reached an advanced stage, full and objective information regarding the extent of effective application of the law would help the Committee to gain a better idea of the constraints under which the authorities presenting the report were operating.

55. Turning to articles 6 to 9 of the Covenant, he said that allegations that persons had been detained on political grounds cast doubt on the validity of the constitutional safeguards against discrimination in employment on grounds of political affiliation or opinion.

56. With regard to article 7 of the Covenant, he had been puzzled by the remark contained in paragraph 16 of the report by Afghanistan, that a 30-hour working week had been established for teenagers under the age of 16. Had a minimum working age been established, in accordance with ILO Conventions?

57. Lastly, paragraph 11 of the report affirmed that restriction of the rights and liberties, the prohibition of which was enshrined in article 64 of the Constitution, was subject to sanctions under the Penal Code or Islamic law. Given the current political situation, was it in fact possible for those two systems to coexist?

58. Mr. SIMMA welcomed the additional information furnished by the Vice-Minister of Justice, since, in his view, the written report submitted had been so abstract as to be wellnigh useless. Of course, it was possible to attribute the dearth of information in the report to the harsh conditions in which the Government was operating; nevertheless, he had been surprised to find in the country file on Afghanistan a 27-page presentation prepared by the Afghan Government for the 1990 United Nations Conference on the Least Developed Countries, a document which had proved to contain a wealth of valuable information of direct relevance to the Committee. In that regard, he drew attention to the recommendation contained in the Committee's guidelines to Governments, that they should indicate any other circumstances in which they had submitted information to organizations of the United Nations family. Observance of that recommendation would have saved the Government a lot of work and also have greatly assisted members of the Committee in their work.

59. His second comment referred to the situation of refugees with regard to the enjoyment of economic, social and cultural rights. He had noted with surprise that, despite the fact that almost one third of the population of Afghanistan had been forced to flee the country, no mention was made of refugees either in the written report or in the oral presentation by the Vice-Minister. Given that only 10 per cent of the population was literate, and that only 35 per cent was in receipt of education, the fact that some 5 million Afghan citizens had sought shelter abroad must be fundamentally connected with the non-enjoyment of economic, social and cultural rights in their home country.

60. The most recent report by Mr. Ermacora, contained in document E/CN.4/1991/31, referred to a number of measures taken by the authorities to facilitate the return of refugees to Afghanistan. The report had gone on to state that it had not yet been possible to study the effectiveness and the extent of implementation of the decrees and resolutions passed to secure their return. His first specific question was: what had in fact been the effectiveness and the extent of implementation of those measures?

61. Turning to article 64 of the Constitution quoted in document E/1990/5/Add.8, paragraph 10, he observed that it stated that "No person has the right to exercise the rights and liberties enshrined in the law against the public interest". He inquired who decided where the "public interest" lay and what effective remedies there were in cases of alleged abuse. Paragraph 11 referred to sanctions under the Penal Code or Islamic law: he would like to know what impact Islamic law had on the practical application of the written laws with regard to the status of women; he appreciated that equality between the sexes existed in the eyes of the law, but the State party must ensure that nationals enjoyed their legal rights in practice.

62. Mr. RATTRAY said that he had endeavoured to make an assessment of how the rights enshrined in the Covenant were applied in a society with a patriarchal family structure upon which had been superimposed a legal regime which met the requirements of the Covenant. He felt that there was excessive reliance on legal provisions to ensure compliance with it. He asked whether, for example, the fixing of wages was determined entirely by a legal regime or whether there was a measure of collective bargaining. The report contained no information about housing. He asked about the extent of homelessness due to absence of accommodation rather than the ravages of war and whether there were schemes to provide affordable accommodation for modest wage-earners. Was there a provision for rent control? Many Committee members had already inquired about education but he would like some further information about the extent of adult literacy, in view of the importance of the views of older men on community matters. Did long-standing cultural traditions also have an impact on the treatment of social diseases? He asked what the incidence was of AIDS and whether there were any programmes for dealing with the disease. He noted from paragraph 45 of the report in document A/1990/5/Add.8 that citizens of Afghanistan enjoyed the right to petition but that so far no petition or claim had been submitted to the courts. He asked whether that was because the provisions of the Covenant were not regarded as legal rights and an appeal to the courts would be useless.

63. Mr. SPARSIS recalled that for a number of years the Afghan delegation to the International Labour Organisation had consisted of a man with a Greek name. He inquired to what extent tripartism, which was the basis of industrial democracy, worked in practice in Afghanistan.

64. Mr. FOFANA asked for some specific details about the practical application of article 15 of the Constitution. What was the national concept of the family, which was stated to be the basic unit of society? With regard to the upbringing of children, he would like to know what provisions existed to assist handicapped children and how society faced the problem of juvenile delinquency and what practical solutions were applied. Article 16 of the Constitution stated that the State "shall help the talents of young people to blossom": he asked what specific measures had been taken to that end.

65. Mrs. JIMENEZ BUTRAGEÑO inquired about the proportion of Sunni and Shiite Muslims in the population and whether coexistence led to sectarian conflict, apart from the question of the war. With regard to the status of women in the family, she asked whether parental authority was shared and whether both partners or only the husband managed the family property. Did the husband manage his wife's property? A number of questions in the list of issues had remained unanswered, for example, with regard to question 9, what differences of status still existed between men and women and what measures were planned to eliminate them? Question No. 14 asked whether workers had any say in the setting of wage levels. There had been very little either in the report or in the oral presentation on the subject of social security, covered by questions 21 and 22. Were there in fact some basic contributory schemes to provide for unemployment, old-age and disabilities?

66. Mr. MRATCHOV noted that in Afghanistan work was not only a right but an obligation. He inquired whether it was a moral or legal obligation and what the consequences were of refusing to work. He also asked for information

about the place occupied by the Covenant in Afghan law after its ratification by the State party. Could its provisions be directly applied or did they require promulgation by the competent national bodies? With regard to trade union rights, he asked what the legal framework was for the right to freedom of association, the rate of unionization of workers, the function of unions and their role particularly in the situation currently obtaining in Afghanistan.

67. Mrs. BONOAN-DANDAM said that since she came from a country with a large Muslim population, she was well aware that there was no equality between men and women in the Islamic religion. She would therefore like to press for more information about obstacles in the way of women enjoying their economic, social and cultural rights in Afghanistan. She would also like information about safeguards for their physical and mental health: for example, did female circumcision exist in Afghanistan? The representative of Aghanistan had made special mention of UNESCO with reference to Afghanistan's cultural heritage. In her view, United Nations agencies with programmes for helping children traumatized by war were also important in the case of Afghanistan.

68. The CHAIRMAN, after consultation with the delegation of Afghanistan, announced that the delegation would reply to the questions asked by the members of the Committee the following morning.

69. Mr. Wahidi (Afghanistan) withdrew.

ORGANIZATION OF WORK (continued)

70. The CHAIRMAN drew the attention of the Committee to two reports from the Sub-Commission on Prevention of Discrimination and Protection of Minorities which the Secretariat had circulated, namely "Methods and plan of work for a study on human rights and extreme poverty" (E/CN.4/Sub.2/1991/18) and the final report on "Human rights and disability" (E/CN.4/Sub.2/1991/31). He pointed out that the latter contained a suggestion that the Committee might be made responsible for monitoring the performance of States with regard to disabled persons. A similar suggestion had also been made in respect of the principles on mental illness which was shortly to be adopted by the General Assembly. If those suggestions were taken up, the Committee's workload would be greatly expanded and members might wish to discuss the matter.

71. Mr. SIMMA said that he was circulating for the information of Committee members three articles from the New York Review of Books. The first two articles were written by Amyarta Sen, on topics of importance to the Committee, namely the interrelationship of civil and political rights and economic, social and cultural rights, as exemplified by the case of India, and the economic and social situation of women. The third article was a review on a book written by Amyarta Sen and another scientist on hunger and food distribution. It outlined schemes available to Governments in a difficult economic situation in order to implement the provisions of the Covenant, irrespective of the financial resources available to them. The issue was one which would become increasingly important in the Committee's work in the future.

The meeting rose at 5.50 p.m.